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Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Thailand: Post-coup violations continue: is a "temporary situation" becoming chronic?

Further to its statement to the UN Human Rights Council (HRC) in June 2014,[1] Amnesty International remains concerned that authorities in Thailand have continued to violate many of the country's international human rights obligations following the imposition of martial law on 20 May 2014 and the coup on 22 May 2014.

Notwithstanding the affirmation of the Thai authorities shortly after the imposition of martial law that its imposition was meant to be temporary and applied judiciously on the basis of necessity and with utmost care,[2] the authorities continue to use martial law powers to arbitrarily detain individuals, some of whom have been tortured or otherwise ill-treated, to prevent meetings and public events and to supress peaceful dissent. Derogations from Thailand's obligations under the International Covenant on Civil and Political Rights on the rights to appeal, freedom of expression and peaceful assembly, entered on 8 July 2014, remain in place.[3] Amnesty International considers that these derogations are not, or at any rate no longer, strictly required by the exigencies of the situation and in the case of the derogation from Article 14(5), defeat the object and purpose of the Covenant.

Fair trial rights are being violated by the use of military courts to try civilians. Trials are held in a single instance without the right of appeal. Individuals are also being tried in military courts for acts that have been criminalised in violation of Thailand's human rights obligations, including participation in peaceful gatherings and carrying out other peaceful acts of expression. Scores have already been prosecuted. Arrests under Thailand's lèse majesté law have dramatically increased and, since the coup, lèse majesté cases are tried in military courts with suspects being consistently denied bail.

Hundreds of politicians, academics, activists and journalists previously arbitrarily detained following the coup continue to be subjected to conditions of release, including restrictions on their rights to freedom of peaceful assembly, expression and movement, and face prosecution should they disobey. Many have been detained on more than one occasion.

Broad restrictions on freedom of expression and peaceful assembly remain in place, including a blanket ban on all political activities. The National Legislative Assembly has also approved amendments to legislation that would greatly expand the period during which the army can detain individuals without charge. Other proposed legislation would grant the government sweeping powers to carry out digital surveillance and block websites in the name of security without the intervention of courts. Authorities have also proposed legislation to merge the National Human Rights Commission with the Ombudsman.

The fate and whereabouts of Porlajee Rakchongcharoen, aka Billy, remain unknown. He is a Thai Karen activist who is believed to have been forcibly disappeared after being detained by officials in Kaengkrachan National Park, Petchaburi Province on 17 April 2014. At the time of his enforced disappearance, he was helping prepare a case in the Administrative Court against park officials. Concerns for the security of community and land rights activists are heightened following a number of killings by unidentified gunmen. On 11 February 2015, Chai Bunthonglek, a member of the Southern Peasants' Confederation of Thailand and campaigner for the land rights of the Khlong Sai Pattana community in Surat Thani province, was shot dead. Members of the community had been subjected to acts of violence, intimidation and harassment in recent months. His death is the fourth killing of a Khlong Sai Pattana activist since 2010. It follows the killings of land rights activist Somsuk Koh Khang, from Muang, Krabi, on 3 December 2014 and Pithan Thongnapong, a mining activist in Nakhon Si Thammarat on 30 November 2014.

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[1] http://www.amnesty.org/en/library/info/ASA39/010/2014/en

[2] "Aide-Mémoire on the current political situation in Thailand", Ministry of Foreign Affairs, 13 June 2014.

[3] https://treaties.un.org/doc/Publication/CN/2014/CN.479.2014-Eng.pdf

A longstanding human rights concern that persists in the period under martial law is that Thailand has also failed to provide asylum seekers with adequate protections as well as full and fair access to international refugee screening procedures. This is specifically evident in the case of significant numbers of Rohingya fleeing violence, discrimination and persecution in Myanmar.

Amnesty International urges the HRC members and observer states to call on authorities in Thailand to:

- Transfer all judicial jurisdiction over civilians from the military to civilian courts;
- End arbitrary detentions under martial law and restrict rather than enhance the army's powers to detain civilians;
- Independently and effectively investigate all reports of torture and other acts of ill-treatment, and bring those suspected of perpetrating these crimes to justice in fair proceedings outside military jurisdiction;
- Lift the sweeping restrictions on freedom of expression and peaceful assembly and withdraw all draft legislation imposing further restrictions;
- Overturn convictions and sentences, withdraw charges and release individuals who have been sentenced or charged for peacefully exercising their rights to freedom of expression or assembly;
- Repeal or amend the lèse majesté law to ensure that it does not penalize the peaceful exercise of the right to freedom of expression, and suspend the use of the law pending such repeal or amendments;
- Respect and protect the right to life, including of human rights defenders, and ensure that all violations of the rights of human rights defenders are promptly, effectively and independently investigated;
- Provide asylum-seekers with meaningful access to asylum procedures and to the UNHCR and ensure that individuals who are fleeing persecution are afforded international protection;
- End the indefinite and arbitrary detention of asylum seekers, often in heavily overcrowded conditions;
- Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol; and
- Restore full constitutional protection of human rights.